

Message Text

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ACTION ARA-20

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FM AMEMBASSY BOGOTA

TO SECSTATE WASHDC 3583

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EO 11652: NA

TAGS: MARR CO

SUBJ: MILITARY MISSION AGREEMENT

REF: STATE 73746

1. THE COLOMBIAN MIN OF DEFENSE HAS PROPOSED A NUMBER OF WORD CHANGES TO US DRAFT OF THE REVISED MILITARY MISSION AGREEMENT, MOST OF THEM MINOR CHANGES TO CONFORM TO GOC MILITARY STRUCTURE AND SYSTEM. WITH THESE CHANGES, THE FONOFF IS PREPARED TO CONCLUDE AGREEMENT AS SOON AS THE EMBASSY IS AUTHORIZED TO DO SO. THE FONOFF HAS INFORMED US THAT LEGISLATIVE APPROVAL WILL NOT BE REQUIRED, AND SUGGESTS AGREEMENT BY AN EXCHANGE OF NOTES, PROPOSING NEW LANGUAGE FOR ART 31 AS NOTED BELOW.

2. THE EMB RECOMMENDS ACCEPTANCE OF THESE CHANGES, AND REQUESTS AUTHORIZATION AS SOON AS POSSIBLE TO CONCLUDE AN EXCHANGE OF NOTES CONFIRMING THE AGREEMENT. BOTH WE AND THE FONOFF ARE ANXIOUS TO DO SO BEFORE AUGUST 7.

3. CHANGES ARE AS FOLLOWS:

A) ART 15 OF US DRAFT IS DELETED. (EMB CEDED THIS ARTICLE PER AUTHORITY IN REFTEL AS A TRADE-OFF TO SECURE GOC ACCEPTANCE OF IMMUNITIES AND PRIVILEGES WORDING IN ART 12). ARTICLES 16 TO 24 OF US DRAFT ARE THEREFORE RENUMBERED 15 TO 23 IN AMENDED DRAFT. ART 24 OF US DRAFT IS SPLIT INTO ZFO ARTS TO REALIGN NUMBERING AND ARE ARTS 23 AND 24 IN AMENDED DRAFT. ARTS 11

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AND 12 ARE REVERSED IN NEW DRAFT.

B) ART 1: DELETE "THROUGHOUT THE TERRITORY OF COLOMBIA" AT
END OF ARTICLE.

C) ART 2: THE PHRASE "NINETY DAYS" IS SUBSTITUTED FOR "THREE
MONTHS" IN LAST SENTENCE OF BOTH PARAGRAPHS.

D) ARTICLE 3: AMENDED TO READ "...SUCH ADDITIONAL PERSONNEL OF
THE UNITED STATES, PROPOSED BY THE COMMANDERS OF THE COLOMBIAN
ARMED FORCES IN COORDINATION WITH THE CORRESPONDING CHIEFS
OF MISSION, THAT MAY BE APPROVED BY THE COMMANDING GENERAL OF
THE ARMED FORCES AND AUTHORIZED BY THE MINISTER OF DEFENSE
RESPECTIVELY".

E) ART 4: AMENDED TO READ "...ADDITIONAL PERSONNEL REFERRED TO
IN ARTICLE 3 ABOVE SHALL BE DESIGNATED BY EACH COMMANDER OF THE
COLOMBIAN ARMED FORCES AFTER PRIOR CONSULTATION WITH THE RES-
PECTIVE CHIEF OF MISSION."

F) ART 5: AMENDED TO READ "...AS MAY BE STRICTLY NECESSARY TO
PERFORM DUTIES..."; AND AT END OF ARTICLE AFTER THE WORDS
"CORRESPONDING CHIEF OF SERVICE MISSION", ADD THE PHRASE "AND
SUBMITTED TO THE COMMANDING GENERAL OF THE COLOMBIAN ARMED
FORCES FOR APPROVAL."

G) ART 6: AMENDED TO READ "...PERSONNEL STRENGTH PREVIOUSLY
AGREED UPON BY THEM...." DELETE "AND BY THE COLOMBIAN MINISTER
OF DEFENSE".

H) ART 7: AMENDED TO READ "...FOR THE PROPER FUNCTIONING OF THE
ENTITIES AND PERSONNEL UNDER THEIR DIRECTION".

I) ARTICLE 8: DELETE WORD "SERVING".

J) ART 14: AMENDED TO READ "...THE GOVERNMENT OF COLOMBIAN
WILL PAY TO THE TREASURY OF THE UNITED STATES OF AMERICA, THE
SUM CORRESPONDING TO FIRST CLASS FARES...", AND "...FROM THE
POINT OF DEPARTURE FROM THE UNITED STATES..."

K) ALSO ART 17, NEW ARTICLE 16: INSERT "MEMBERS OF THESE
MISSIONS" VICE "ALL PERSONNEL REFERRED TO IN ARTICLE 5".

L) OLD ARTICLE 18, NEW ART 17: ADD AT THE END: "...WITHIN
COLOMBIAN TERRITORY SHALL HAVE THE RIGHT TO APPROPRIATE TRANS-
PORTATION BEING PROVIDED BY THE GOVERNMENT OF COLOMBIA."

M) OLD ART 20, NEW ART 19: INSERT "AND UTILITIES" AFTER "OFFICE
SPACE".

N) OLD ART 21, NEW ART 20: AMENDED TO READ: "IF ANY ACCREDITED
MEMBER OF A MISSION OR OF HIS FAMILY..."; AMEND LAST SENTENCE
TO DELETE "BAGGAGE, HOUSEHOLD EFFECTS AND AUTOMOBILE" AND
"ARTICLE 15" SO AS TO CONFORM TO DELETION OF ART 15 IN ORIGINAL
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DRAFT. INSERT "ONLY" BEFORE "RETURN TRANSPORTATION..."

O) OLJIART 22, NEW ART 21: AMEND TO READ: "MEMBERS OF THE MISSIONS
OF THE UNITED STATES SHALL AGREE NOT TO DIVULGE OR DISCLOSEN
O
ANY FOREIGN GOVERNMENT, OR NATURAL OR LEGAL PERSON WHATSOEVER
ANY SECRET OR CLASSIFIED MATTER....."

P) ALSO ART 23, NEW ART 22: AMEND TO READ: "THE TERM 'FAMILY'
IS UNDERSTOOD TO MEAN ONLY THE SPOUSE AND LEGAL MINOR CHILDREN."

Q) OLD ART 24, NEW ART 23: AMEND TO READ "....CUMULATIVE FROM YEAR TO YEAR NOT IN EXCESS OF THE MAXIMUM ALLOWED BY PERTINENT US MILITARY S

QVICE REGULATIONS." SENTENCE BEGINNING "THE LEAVE SPECIFIED MAY BE SPENT IN COLOMBIA...." TO THE END OF OLD ART 24 BECOMES NEW ART 24.

R) ART 25: AMEND TO READ "....REQUEST BY THE APPLICANT, ENDORSED BY THE CHIEF OF SERVICE MISSION CONCERNED".

S) ART 27: AMEND TO READ "...WHO CANNOT FOR A PERIOD OF MORE THAN 30 DAYS CONTINUE TO PERFORM HIS DUTIES SHALL BE REPLACED." DELETE "WITHIN A REASONABLE TIME".

T) ART 31: CHANGE TO READ: "THIS AGREEMENT SHALL ENTER INTO FORCE ON THE DATE OF AN EXCHANGE OF NOTES BETWEEN THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA, CONFIRMING ITS PROVISIONS."

U) IN EACH PLACE WHERE THE US DRAFT USES THE TERM "CHIEF OF STAFF", THE TERM "COMMANDER OF THE COLOMBIAN SERVICE" IS SUBSTITUTED TO REFLECT AUTHORITY POINT. IT SHOULD BE NOTED THAT THERE ARE THREE LEVELS OF AUTHORITY IN ASCENDING ORDER: COMMANDERS OF THE THREE SERVICES, COMMANDING GENERAL OF THE COLOMBIAN ARMED FORCES AND THE MINISTER OF DEFENSE.

V) THE PHRASE "OF THE UNITED STATES" IS INSERTED IN SEVERAL ARTICLES AFTER THE WORD "MISSION" FOR CLARITY.

4. FULL ENGLISH AND SPANISH TEXTS SHOWING CHANGES, DELETIONS AND ADDITIONS BEING AIRPOUCHED TO ARA/NC.
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